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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,809	02/07/2002	Tinghao F. Wang	10200-16	9444
43320	7590	05/24/2006	EXAMINER	
EVAN LAW GROUP LLC 566 WEST ADAMS, SUITE 350 CHICAGO, IL 60661			DEO, DUY VU NGUYEN	
			ART UNIT	PAPER NUMBER

1765

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 10/071,809
Art Unit: 1765

SUPPLEMENTAL EXAMINER'S ANSWER RESPONDING TO A
REMAND FOR FURTHER CONSIDERATION OF REJECTION

Pursuant to the remand under 37 CFR 41.50(a)(1) by the Board of Patent Appeals and Interferences on 1/24/06 for further consideration of a rejection, a supplemental Examiner's Answer under 37 CFR 41.50(a)(2) is set forth below:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3-12, 14, 15, 21-23, 25, 27 are rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for the broad claiming of a process for etching a metal silicide layer using Cl₂/O₂ gas with an O₂ gas greater than 25% by volume. As noted in the remand from the BPAI on 1/24/06, the reference of Nojiri discloses an example of etching a metal silicide layer where etching suddenly stops when an oxygen concentration above 25% is employed. (See Nojiri, page 1792, left column). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The specification does not enable one of ordinary skill to achieve the desired result as compared to the undesired results of the prior art.

3. Note: the previous art rejection(s) is withdrawn in view of the decision by the Board of Appeals on 1/24/06.

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4. The appellant must within TWO MONTHS from the date of the supplemental examiner's answer exercise one of the following two options to avoid sua sponte dismissal of the appeal as to the claims subject to the rejection for which the Board has remanded the proceeding:

(1) Reopen prosecution. Request that prosecution be reopened before the examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit, or other evidence. Any amendment, affidavit, or other evidence must be relevant to the issues set forth in the remand or raised in the supplemental examiner's answer. Any request that prosecution be reopened will be treated as a request to withdraw the appeal. See 37 CFR 41.50(a)(2)(i).

(2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. If such a reply brief is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened under 37 CFR 41.50(a)(2)(i). See 37 CFR 41.50(a)(2)(ii).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:


MARIAN C. KNODE
DIRECTOR
TECHNOLOGY CENTER 1700

DUY-VU N. DEO
PRIMARY EXAMINER



NADINE G. NORTON
SUPERVISORY PATENT EXAMINER

